

Senate File 2259 - Introduced

SENATE FILE 2259
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 3151)

A BILL FOR

1 An Act concerning treatment of a person with a serious mental
2 impairment who fails to comply with an outpatient treatment
3 order.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 229.13, Code 2016, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 7. a. If the respondent is ordered to
4 undergo outpatient treatment and the respondent's failure
5 to comply with the course of treatment results in behavior
6 by the respondent which, in the opinion of the respondent's
7 mental health professional acting within the scope of the
8 mental health professional's practice, is likely to result in
9 physical injury to the respondent's self or others if allowed
10 to continue, all of the following shall occur:

11 (1) The respondent's mental health professional acting
12 within the scope of the mental health professional's practice
13 shall notify the committing judge in the appropriate county
14 who shall enter a written order directing that the respondent
15 be taken into immediate custody by the appropriate sheriff or
16 sheriff's deputy. The appropriate sheriff or sheriff's deputy
17 shall exercise all due diligence in taking the respondent into
18 protective custody to a hospital or other suitable facility.

19 (2) Once in protective custody, the respondent shall be
20 given the choice of being treated by the appropriate medication
21 which may include the use of injectable antipsychotic medicine
22 by a mental health professional acting within the scope of
23 the mental health professional's practice at an outpatient
24 psychiatric clinic, hospital, or other suitable facility or
25 being placed for treatment under the care of a hospital or
26 other suitable facility for inpatient treatment.

27 (3) If the respondent chooses to be treated by the
28 appropriate medication which may include the use of injectable
29 antipsychotic medicine but the mental health professional
30 acting within the scope of the mental health professional's
31 practice at the outpatient psychiatric clinic, hospital, or
32 other suitable facility determines that the respondent's
33 behavior continues to be likely to result in physical injury
34 to the respondent's self or others if allowed to continue,
35 the mental health professional acting within the scope of

1 the mental health professional's practice shall comply with
2 the provisions of subparagraph (1) and, following notice and
3 hearing held in accordance with the procedures in section
4 229.12, the court may order the respondent treated on an
5 inpatient basis requiring full-time custody, care, and
6 treatment in a hospital until such time as the chief medical
7 officer reports that the respondent does not require further
8 treatment for serious mental impairment or has indicated the
9 respondent is willing to submit to treatment on another basis
10 as ordered by the court.

11 b. A region shall contract with mental health professionals
12 to provide the appropriate treatment including treatment by
13 the use of injectable antipsychotic medicine pursuant to this
14 section.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 This bill concerns outpatient treatment of a person with
19 a serious mental impairment who fails to comply with an
20 outpatient treatment order.

21 The bill relates to a person (respondent) who is under
22 a court order to undergo outpatient treatment for mental
23 illness upon the conclusion of an involuntary hospitalization
24 proceeding. The bill provides that if the respondent fails
25 to comply with the course of treatment and that failure
26 results in behavior by the respondent which, in the opinion
27 of the respondent's mental health professional, is likely
28 to result in physical injury to the respondent's self or
29 others if allowed to continue, the respondent's mental health
30 professional is required to notify the committing judge. The
31 committing judge shall enter a written order directing that the
32 respondent be taken into immediate custody by the appropriate
33 sheriff or sheriff's deputy. Once in protective custody, the
34 respondent shall be given the choice of being treated by the
35 appropriate medication which may include the use of injectable

1 antipsychotic medicine by a mental health professional or being
2 placed for treatment under the care of a hospital or other
3 suitable facility for inpatient treatment. If the respondent
4 chooses to be treated by the appropriate medication which may
5 include the use of injectable antipsychotic medicine but the
6 mental health professional determines that the respondent's
7 behavior continues to be likely to result in physical injury
8 to the respondent's self or others if allowed to continue, the
9 mental health professional is required to notify the committing
10 judge who shall order the respondent be taken into immediate
11 custody. Following notice and hearing held in accordance
12 with the procedures in Code section 229.12 (hospitalization
13 hearing procedure), the court may order the respondent treated
14 on an inpatient basis requiring full-time custody, care, and
15 treatment in a hospital.

16 The bill requires a mental health and disability services
17 region to contract with mental health professionals to provide
18 outpatient treatment by the appropriate medication which may
19 include treatment by the use of injectable antipsychotic
20 medicine.